

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1372

Introduced by Assembly Member Norby

February 18, 2011

~~An act to amend Sections 44662 and 60641 of the Education Code, relating to certificated employees. An act to amend Section 60607 of the Education Code, relating to pupil assessment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1372, as amended, Norby. ~~Certificated employees: evaluation and assessment. Pupil assessment: records: disclosure.~~

Existing law requires that each pupil have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the Standardized Testing and Reporting (STAR) Program, results of end-of-course exams he or she has taken, and the vocational education certification exams he or she chose to take.

This bill would authorize the State Board of Education, the State Department of Education, or a local educational agency to disclose, pursuant to the California Public Records Act, assessment results that indicate the percentage of pupils that attained the proficient and advanced performance levels, aggregated at the classroom level, provided that the state board, department, or local educational agency has possession of the data, and that the data are not subject to an exemption under the California Public Records Act. The bill would prohibit individual pupil test scores, pupil identities, and personal

directory information of teachers from being disclosed. The bill would state that its provisions are declaratory of existing law.

~~(1) Existing law requires the governing board of each school district to evaluate and assess certificated employee performance as it reasonably relates to the academic progress of pupils, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment. Existing law prohibits this evaluation and assessment from including the use of publishers' norms established by standardized tests.~~

~~This bill would delete this prohibition, and instead authorize the evaluation and assessment to include the use of publishers' norms established by standardized tests.~~

~~(2) Existing law establishes the Standardized Testing and Reporting Program, also known as the STAR Program, and requires the State Department of Education to ensure that school districts administer the California Standards Test to their pupils, as specified. Existing law requires the publisher of the California Standards Tests to make individual pupil, grade, school, school district, and state results available to the department, and requires the department to make the grade, school, school district, and state results available on the Internet.~~

~~This bill would additionally require the publisher to provide the test results for each class, and the name of the teacher who provided instruction for that class, to the department. The bill would require the department to post this information on an appropriate and easily accessible location on its Internet Web site, and to provide to each school district, by August 31 of each year, this information and the uniform resource locator (URL) that links to this information for purposes of inclusion with each school accountability report card. The bill would require each schoolsite and school district to provide its data to a person who requests the data, as specified. Because this bill would require local educational agencies to perform additional duties, it would impose a state-mandated local program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 60607 of the Education Code is amended*
2 *to read:*

3 60607. (a) Each pupil shall have an individual record of
4 accomplishment by the end of grade 12 that includes the results
5 of the achievement test required and administered annually as part
6 of the Standardized Testing and Reporting (STAR) Program
7 established pursuant to Article 4 (commencing with Section
8 60640), results of end-of-course exams he or she has taken, and
9 the vocational education certification exams he or she chose to
10 take.

11 (b) (1) *The state board, the department, or a local educational*
12 *agency may disclose, pursuant to the California Public Records*
13 *Act (Chapter 3.5 (commencing with Section 6250) of Division 7*
14 *of Title 1 of the Government Code), assessment results that indicate*
15 *the percentage of pupils that attained the proficient and advanced*
16 *performance levels, aggregated at the classroom level, provided*
17 *that the state board, department, or local educational agency has*
18 *possession of the data, and that the data are not subject to an*
19 *exemption under the California Public Records Act (Chapter 3.5*
20 *(commencing with Section 6250) of Division 7 of Title 1 of the*
21 *Government Code).*

22 (2) *For purposes of this subdivision, individual pupil test scores,*
23 *pupil identities, and personal directory information of teachers*
24 *shall not be subject to disclosure.*

25 (3) *This subdivision is declaratory of existing law.*

26 ~~(b)~~

27 (c) *It is the intent of the Legislature that school districts and*
28 *schools use the results of the academic achievement tests*
29 *administered annually as part of the statewide pupil assessment*
30 *program to provide support to pupils and parents or guardians in*
31 *order to assist pupils in strengthening their development as learners,*
32 *and thereby to improve their academic achievement and*
33 *performance in subsequent assessments.*

34 ~~(e)~~

1 (d) (1) Any pupil results or a record of accomplishment shall
2 be private, and may not be released to any person, other than the
3 pupil's parent or guardian and a teacher, counselor, or administrator
4 directly involved with the pupil, without the express written consent
5 of either the parent or guardian of the pupil if the pupil is a minor,
6 or the pupil if the pupil has reached the age of majority or is
7 emancipated.

8 (2) (A) Notwithstanding paragraph (1), a pupil or his or her
9 parent or guardian may authorize the release of pupil results or a
10 record of accomplishment to a postsecondary educational
11 institution for the purposes of credit, placement, or admission.

12 (B) Notwithstanding paragraph (1), the results of an individual
13 pupil on the California Standards Test may be released to a
14 postsecondary educational institution for the purposes of credit,
15 placement, or admission.

16 ~~SECTION 1. Section 44662 of the Education Code is amended~~
17 ~~to read:~~

18 ~~44662. (a) The governing board of each school district shall~~
19 ~~establish standards of expected pupil achievement at each grade~~
20 ~~level in each area of study.~~

21 ~~(b) The governing board of each school district shall evaluate~~
22 ~~and assess certificated employee performance as it reasonably~~
23 ~~relates to:~~

24 ~~(1) The progress of pupils toward the standards established~~
25 ~~pursuant to subdivision (a) and, if applicable, the state adopted~~
26 ~~academic content standards as measured by state adopted criterion~~
27 ~~referenced assessments.~~

28 ~~(2) The instructional techniques and strategies used by the~~
29 ~~employee.~~

30 ~~(3) The employee's adherence to curricular objectives.~~

31 ~~(4) The establishment and maintenance of a suitable learning~~
32 ~~environment, within the scope of the employee's responsibilities.~~

33 ~~(c) The governing board of each school district shall establish~~
34 ~~and define job responsibilities for certificated noninstructional~~
35 ~~personnel, including, but not limited to, supervisory and~~
36 ~~administrative personnel, whose responsibilities cannot be~~
37 ~~evaluated appropriately under the provisions of subdivision (b)~~
38 ~~and shall evaluate and assess the performance of those~~
39 ~~noninstructional certificated employees as it reasonably relates to~~
40 ~~the fulfillment of those responsibilities.~~

1 ~~(d) Results of an employee's participation in the Peer Assistance~~
2 ~~and Review Program for Teachers established by Article 4.5~~
3 ~~(commencing with Section 44500) shall be made available as part~~
4 ~~of the evaluation conducted pursuant to this section.~~

5 ~~(e) The evaluation and assessment of certificated employee~~
6 ~~performance pursuant to this section may include the use of~~
7 ~~publishers' norms established by standardized tests.~~

8 ~~(f) Nothing in this section shall be construed as in any way~~
9 ~~limiting the authority of school district governing boards to develop~~
10 ~~and adopt additional evaluation and assessment guidelines or~~
11 ~~criteria.~~

12 ~~SEC. 2. Section 60641 of the Education Code is amended to~~
13 ~~read:~~

14 ~~60641. (a) The department shall ensure that school districts~~
15 ~~comply with each of the following requirements:~~

16 ~~(1) The standards-based achievement test provided for in Section~~
17 ~~60642.5 is scheduled to be administered to all pupils during the~~
18 ~~period prescribed in subdivision (b) of Section 60640.~~

19 ~~(2) The individual results of each pupil test administered~~
20 ~~pursuant to Section 60640 shall be reported, in writing, to the~~
21 ~~parent or guardian of the pupil. The written report shall include a~~
22 ~~clear explanation of the purpose of the test, the score of the pupil,~~
23 ~~and the intended use by the school district of the test score. This~~
24 ~~subdivision does not require teachers or other school district~~
25 ~~personnel to prepare individualized explanations of the test score~~
26 ~~of each pupil.~~

27 ~~(3) (A) The individual results of each pupil test administered~~
28 ~~pursuant to Section 60640 also shall be reported to the school and~~
29 ~~teachers of a pupil. The school district shall include the test results~~
30 ~~of a pupil in his or her pupil records. However, except as provided~~
31 ~~in this section, individual pupil test results only may be released~~
32 ~~with the permission of either the pupil's parent or guardian if the~~
33 ~~pupil is a minor, or the pupil if the pupil has reached the age of~~
34 ~~majority or is emancipated.~~

35 ~~(B) Notwithstanding subparagraph (A), a pupil or his or her~~
36 ~~parent or guardian may authorize the release of individual pupil~~
37 ~~results to a postsecondary educational institution for the purpose~~
38 ~~of credit, placement, determination of readiness for college-level~~
39 ~~coursework, or admission.~~

1 ~~(4) The districtwide, school-level, and grade-level results of the~~
2 ~~STAR Program in each of the grades designated pursuant to Section~~
3 ~~60640, but not the score or relative position of any individually~~
4 ~~ascertainable pupil, shall be reported to the governing board of the~~
5 ~~school district at a regularly scheduled meeting, and the~~
6 ~~countywide, school-level, and grade-level results for classes and~~
7 ~~programs under the jurisdiction of the county office of education~~
8 ~~shall be similarly reported to the county board of education at a~~
9 ~~regularly scheduled meeting.~~

10 ~~(b) (1) The publisher of the standards-based achievement tests~~
11 ~~provided for in Section 60642.5 shall make the individual pupil,~~
12 ~~class, teacher, grade, school, school district, and state results~~
13 ~~available to the department pursuant to paragraph (9) of subdivision~~
14 ~~(a) of Section 60643 by August 8 of each year in which the~~
15 ~~achievement test is administered for those schools for which the~~
16 ~~last day of test administration, including makeup days, is on or~~
17 ~~before June 25.~~

18 ~~(2) (A) The department shall make the class, teacher, grade,~~
19 ~~school, school district, and state results available on an appropriate~~
20 ~~and easily accessible location on its Internet Web site by August~~
21 ~~15 of each year in which the achievement test is administered for~~
22 ~~those schools for which the last day of test administration,~~
23 ~~including makeup days, is on or before June 25. For purposes of~~
24 ~~this paragraph, when posting the results for each class, the~~
25 ~~department shall post the name of the teacher who provided~~
26 ~~instruction for that class.~~

27 ~~(B) The department shall provide to each school district both~~
28 ~~of the following by August 31 of each year:~~

29 ~~(i) The data described in subparagraph (A).~~

30 ~~(ii) The uniform resource locator (URL) that links to the data~~
31 ~~described in subparagraph (A) for purposes of inclusion with each~~
32 ~~school accountability report card.~~

33 ~~(C) Upon request, each schoolsite shall provide a copy of its~~
34 ~~data described in subparagraph (A) to any individual who requests~~
35 ~~it, and each school district shall provide a copy of the data for any~~
36 ~~schoolsite in the district to any individual who requests it.~~

37 ~~(i) For purposes of this subparagraph, each schoolsite and school~~
38 ~~district shall respond to a request for data within five business~~
39 ~~days. A response may include mailing the data in hard copy or~~

1 providing the data by electronic mail, or arranging for the data to
2 be made available at the schoolsite or school district.

3 (ii) ~~For purposes of this subparagraph, each schoolsite and~~
4 ~~school district shall ensure that, with the exception of teacher~~
5 ~~names posted pursuant to subparagraph (A), personal directory~~
6 ~~information is not included in the data supplied to an individual~~
7 ~~requester.~~

8 (e) ~~The department shall take all reasonable steps to ensure that~~
9 ~~the results of the test for all pupils who take the test by June 25~~
10 ~~are made available on the Internet by August 15, as set forth in~~
11 ~~subdivision (b).~~

12 (d) ~~The department shall ensure that a California Standards Test~~
13 ~~that is augmented for the purpose of determining credit, placement,~~
14 ~~or readiness for college-level coursework of a pupil in a~~
15 ~~postsecondary educational institution inform a pupil in grade 11~~
16 ~~that he or she may request that the results from that assessment be~~
17 ~~released to a postsecondary educational institution.~~

18 SEC. 3. ~~If the Commission on State Mandates determines that~~
19 ~~this act contains costs mandated by the state, reimbursement to~~
20 ~~local agencies and school districts for those costs shall be made~~
21 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
22 ~~4 of Title 2 of the Government Code.~~